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ISBE / KCB

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IFP

NATHANIEL WEATHERSPOON
Plaintiff

Case# 20-916

v.
ALLEGHENY COUNTY:
ORLANDO HARPER, (Warden of ACJ)
Defendant(s)

COMPLAINT

RECEIVED

JUN 18 2020

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

JURISDICTION AND VENUE

1. This case is brought pursuant to 42 USC 1983 and the fourteenth Amendment to the United States Constitution, seeking Declaratory, injunctive and monetary relief.
2. This court has jurisdiction pursuant to 28 U.S.C. 1331, 1343(a)(3)(4).
3. This court is the appropriate venue under 28 U.S.C. 1391(b)(2) because the events and omissions giving rise to this action occurred in Allegheny County, Pennsylvania within the western district.

PARTIES

4. Plaintiff, Nathaniel Weatherspoon, suffers from a history of serious mental disorders including ADHD, paranoid schizophrenia and high blood pressure since birth and has spent the majority of his childhood life on various medications, in and out of various institutions.
5. Defendant Allegheny County is a county government organized and existing under the laws of the Commonwealth of Pennsylvania with its principal place of business at 436 Grant Street, Pittsburgh Pennsylvania 15219. Allegheny County operates the Allegheny County Jail, located at 950 Second Avenue, Pittsburgh, Pennsylvania 15219.
6. Defendant, Orlando Harper, is the warden at the Allegheny County Jail with his principal place of business being 950 Second Ave., Pittsburgh, Pennsylvania. Defendant Harper is responsible for the oversight, operation and administration of the Jail, including the implementation and enforcement of all disciplinary and medical policies. He is sued both in official and individual capacities,

STATEMENT OF FACTS

7. Mr. Weatherspoon, age 29, was arrested October 5, 2017 as a result of alleged violations of the law in which he has yet been tried and found guilty or not guilty thereof. Unable to post bond, he has been detained at the Allegheny County Jail since then.
8. On or about September 26, 2018, an order appearing to be signed by someone other than Judge Kevin G. Sasinoski and not the original (See attached exhibit A) was used as a basis to put plaintiff on 23 hour solitary confinement without any priveledges.
9. The controversy spawning this lawsuit and todays request for a temporary restraining order relates to Defendant Harpers deliberate indifference to Mr. Weatherspoons very serious medical and psychiatric needs.
10. On December 14, 2018, Mr. Weatherspoon was assaulted by gaurds in the presence of the jails captain, Freddy young, and suffered a bruised left forearm causing nerve damage. Mr. Weatherspoon has made various requests for medical attention which were not responded to as a result of non issuance of proper medication of his prior existing illnesses. (See INmate Administrative Complaint at Exhibit B attached hereto).
11. Till this day, Mr. Weatherspoon has been placed in the jails (DHO) Disciplinary Housing Unit as is befitting his mental health needs and serious medical problems.
11. Upon information and belief, Warden Harper has ignored administrative complaints and warnings about Mr. Weatherspoons conditions including assaults by officials on several specified occasions. (See INMATE COMPLAINT/APPEAL FORM Pgs. 1-6, as Exhibit C(1-6)).
12.

CAUSE OF ACTION

COUNT 1. DELIBERATE INDIFFERENCE TO SERIOUS MENTAL AND MEDICAL HEALTH NEEDS IN VIOLATION OF THE FOURTEENTH AMENDMENT TO THE U,S, CONSTITUTION.

13. Plaintiff hereby incorporates by reference the allegations contained in paragraphs 1 thru 12 of this complaint as if fully set forth herein.
14. Defendants have acted with deliberate and callous indifference to plaintiffs serious mental and psychological needs by removing him from general population and placing him in solitary confinement without priveledges or necessary medical care in violation of the fourteenth amendment to the United States Constitution.
15. Plaintiff has already suffered injury and damages as a result of the defendants unconstitutional conduct, including but not limited to severe emotional distress and harm to his physical and mental health.
16. **COUNTII. DEFENDANTS DETENTION OF PLAINTIFF IN A PENAL INSTITUTION AND IMPOSITION OF PUNITIVE SANCTIONS BY PLACEMENT INTO ISOLATION, VIOLATES PLAINTIFFS DUE PROCESS RIGHTS UNDER THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION.**
16. Plaintiff hereby incorporate by reference, the allegations contained in the above paragraphs 1 thru 15 of this complaint as if fully set forth herein.
17. The Due Process Clause of the Fourteenth Amendment to the United States Constitution prohibits punishment of plaintiff, which is the continuous confinement of plaintiff in a penal institution and imposition of additional punitive measures in the form of solitary confinement and loss of priveledges, is unconstitutional.
18. Defendant, Allegheny Countys ongoing detention of Plaintiff at the jail, a penal institution, violates plaintiffs rights under the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution; Title 42 USC 1983 Civil Rights Act; 18 USC section 241/242, Conspiracy and Deprivation of Rights causing injury; Code of Ethics Rule (B)(1)-(9),(14) (32), as well as Cruel and Unusual Punishment violating the Eighth Amendment of the United States Constitution.

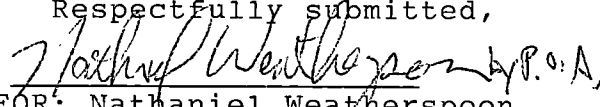
PRAYER FOR RELIEF

19. WHEREFORE, Plaintiff requests that this Court grant the following relief: Issuance of a Declaratory Judgment that Defendants confinement of Plaintiff is a violation of his rights secured by the U.S. Consti-

(CONT) tution.

- (2) Issuance of Declaratory Judgment that Defendants placement in solitary confinement, without adequate medical and mental health care violates Plaintiffs rights under the Fourteenth Amendment to the United states Constitution, and is Cruel and Unusual Punishment.
- (3) An Emergency, preliminary/permanent Injunction, that orders defendants to immediately remove Plaintiff from solitary confinement and /or release him from the penal institution in result of various Due Process Violations;
- (4) Grant fees and costs specified in tort or as the court deem just and proper.

Dated:

Respectfully submitted,

FOR: Nathaniel Weatherspoon
BY: Nathaniel Walker, P.O.A.

CERTIFICATE OF SERVICE

I, Nathaniel Weatherspoon, hereby certify that I have forwarded One (1) copy of the attached Complaint to the below recipients, certified mail, return receipt requested, this _____ day of _____ 2020.

ALLEGHENY COUNTY

- District Attorney Office, 436 Grant Street
Pittsburgh, PA. 15219
- Nathaniel Weatherspoon, inmate # 155557, ACT
950 Second Ave., Pittsburgh, PA. 15219
- ORLANDO HARPER, 950 Second Ave, ACT
Pittsburgh, PA. 15219